

REMARKS

Claims 51-74 are pending in this application. Claims 1-50 have been canceled without prejudice. New claims 51-74 have been added by this amendment. This amendment involves no new matter.

In the subject Office Action, the Examiner made various rejections based on Posa (US 2003/0108851), Takeuchi (US 5,267,154), and Abrams (US 5,673,691). Although Applicant respectfully disagrees with the Examiner's rejections, those rejections are moot in view of the foregoing amendments. Applicant respectfully requests reconsideration in light of the foregoing amendments and the following remarks.

A. Continuation-in-part

The Examiner indicated that this application may constitute a continuation-in-part of US 09/560,243 filed April 27, 2000 (the '243 application). Applicant respectfully points out that this application is, in fact, a continuation-in-part of the '243 application, as reflected on page 2, lines 2-3 of this application and the associated filing receipt.

B. New Claims 51-74

Applicant has submitted new claims 51-74, which are allowable over the art of record. Independent claim 51 recites, among other things, a first data set comprising a body shape designation, which is neither disclosed nor suggested by any of the art of record, alone or in combination. Such a body shape designation is supported in the specification at page 17, lines 4-10, and Figs. 17-19. Independent claim 73 recites, among other things, adjusting said first image by increasing or decreasing at least one of a representation of an amount of fat or a representation of an amount of muscle independently of the other, which is neither disclosed nor suggested by any of the art of record, alone or in combination. Such adjusting is supported in the specification at page 21, lines 12-19, and Figs. 17-19.

C. Conclusion

In view of the foregoing, Applicant respectfully submits that claims 51-74 are in condition for allowance, and such is earnestly requested. If the Examiner believes a telephone conference will advance the prosecution of this application, the Examiner is respectfully requested to contact the undersigned attorney.

It is believed that no fee is required for this submission. However, the Commissioner is authorized to charge any deficiency in fees or credit any overpayment to Deposit Account No. 03-3483.

Respectfully submitted,

/court b. allen/

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